

D. REMARKS

This is an Amendment in Response to a Non-Final Office Action, which Office Action bears the mailing date of May 13, 2008. The below-signed attorney is appreciative of the clarification of the Office Action Summary, PTOL-326 in the course of a telephonic communication with Examiner Figeroa.

First addressing the Drawings, Paragraphs 63 and 70 are changed with Paragraph 63 including the language "front legs 68 and 70" and Paragraph 70, "tubular legs 154 and 156". These changes to the Specification obviate any changes to the Drawings. It is respectfully urged that the objection to the Drawings is satisfied thereby.

The objections to Claims 7 and 18 have been resolved by dividing each claim into two parts. As to Claim 7, the first element is restated as New Claim 20 with Amended Claim 7 depending on New Claim 20 and deleting New Claim 20 language therefrom. Likewise as to Claim 18, the first element is restated as New Claim 21 with Amended Claim 18 depending on New Claim 21 and deleting Claim 21 language therefrom. In doing so, no new language has been added to the claims requiring additional search. The division of each into two claims also clarifies that the "attachment portion" and the "insertion portion" are subordinate to the veneer tie element. With these Amendments, it is respectfully urged that Objection to the claim structure has been satisfied.

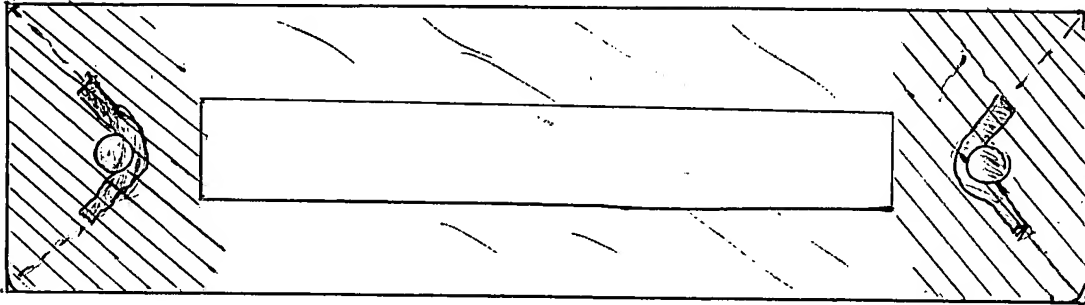
Before turning to the Rejection, it is drawn to the Examiner's attention that the Claim 11 dependency has been amended to depend on Claim 19. Now Claims 11 and 12 depend from Allowable subject matter. Thus, it is urged that the repositioning of Claims 11 and 12 provides allowance of these claims without relying on the removal of the rejection pursuant to 35 USC §103. Claim 10 (which is similar to Claim 19) has been canceled.

With the above stated, we turn to the 35 USC §103 rejections as applied to Claims 1 through 5 and 7, 8 and 9. Applicant's attorney has analyzed the 35 USC §103 rejections and respectfully posits the following response:

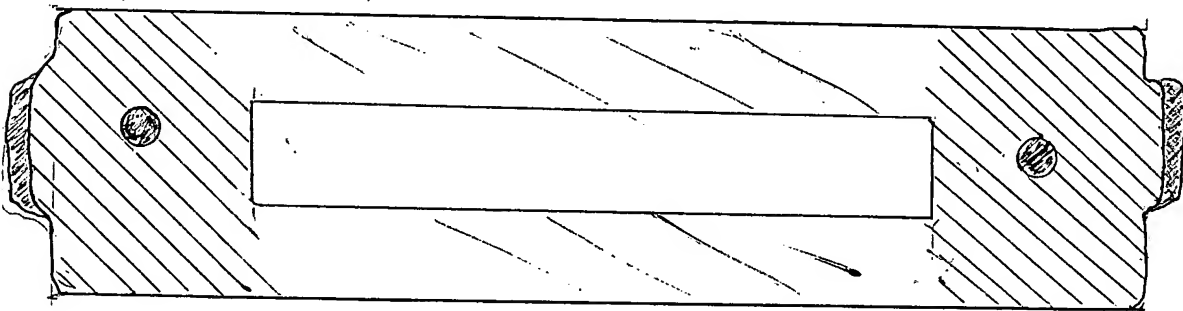
The teaching of Hohmann '518 and Stephens '633 cannot be combined to meet the following descriptors found in Claim 1:

- *a pair of legs.....extending from an inboard location* - Hohmann '518 legs are at the ends of the wall anchor and not inboard;
- *a channel along said axis* - no channels are shown in Hohmann '518, bores 32 for mounting hardware are not channels and do not provide any angular guidance (the outboard nature of the legs taught by the Hohmann '518 preclude guide channels incorporated into the leg structures and thus teaches away from the use of such channels);
- *a covering portion formed.....of said plate-like body* - not possible with Hohmann '518 and not attainable with the combined teaching of Hohmann '518 and Stephens '633 (and this is not attainable with the combined teaching of Hohmann '518, Stephens '633, and Liu '364).

In addition to foregoing concerning the plain language of the Claim 1, the following sketch is provided to assist the Examine to visualize the inability of the combined references to have a base which covers the insertion holes. All of this information is in the current application.



FOOTPRINT OF THE DISCLOSED ANCHOR WITH INBOARD LEGS (INSERTION POINTS SHOWN IN GREEN AND COVERING PORTION IN RED)



FOOTPRINT OF THE HOHMANN '518 ANCHOR WITH OUTBOARD LEGS (INSERTION POINTS SHOWN IN GREEN AND COVERING PORTION IN RED)

PAGE 14 / AMENDMENT3 / HOHMANN & BARNARD / PHO-236CIP

This Amendment incorporates by reference the arguments made in the prior Amendments. These arguments were found to be persuasive.

A thorough review of the above will show that the rejections are overcome and that Claims 1 through 5 and 7, 8 and 9 are urged to be in allowable condition.

With the above Amendment, it is urged that all claims presently pending in the case are allowable and early favorable response is respectfully anticipated.

If the Examiner has further questions that can be resolved by telephone, the Examiner is invited to call the undersigned.

Date: *June 11, 2008*

Respectfully submitted,
SILBER & FRIDMAN
Siegmar Silber
SIEGMAR SILBER
Registration No. 26,233

Please respond to:

Siegmar Silber

SILBER & FRIDMAN

Registered Patent Attorneys

1037 Route 46 East, Suite 207

Clifton, NJ 07013

Tel: (973) 779-2580; fax: (973) 779-4473